

1 Q Okay. So, for those six hours, six or seven  
2 days a week, you can attest that the programs that Mr.  
3 Lynch listed on the proffer aired?

4 A Yes.

5 Q Thank you. Oh, was this every month from  
6 1989 on --

7 A Every month from --

8 Q Starting the fall of 1989?

9 A The fall of 1989.

10 Q What month was that?

11 A That would be fall. Don't ask -- I can't --  
12 I can't fine tune on that. Just whatever the fall  
13 season is, August, September, October, somewhere in  
14 that ball park.

15 Q Okay, until the present time, until the end  
16 of the renewal period?

17 A Yeah, until the end of the renewal period and  
18 forth.

19 Q Okay.

20 MS. FRANCO: I have no further questions,  
21 Your Honor.

22 JUDGE SIPPEL: Mr. Laden or Mr. Schonman?

23 MS. LADEN: We don't have any questions, Your  
24 Honor.

25 JUDGE SIPPEL: No questions.

1 Do you want to redirect or anything?

2 MR. LYNCH: Very briefly. I would like to  
3 clarify a few points.

4 REDIRECT EXAMINATION

5 BY MR. LYNCH:

6 Q Going to the proffer of programming, do you  
7 have that in front of you?

8 A I don't have that in front of me.

9 (Document is proffered to the witness.

10 Thank you.

11 JUDGE SIPPEL: Okay. What exhibit number are  
12 you referring to?

13 MR. LYNCH: We're looking at Exhibit 6.

14 JUDGE SIPPEL: Exhibit 6 and what page?

15 MR. LYNCH: 6 and I will specifically refer  
16 him to page 6-16.

17 JUDGE SIPPEL: Exhibit 6, page 16?

18 MR. LYNCH: I'm sorry, 6 -- Exhibit 6, page  
19 15.

20 JUDGE SIPPEL: 15.

21 MR. LYNCH: Okay, where it says WYLR PSAs.

22 JUDGE SIPPEL: I think is numbered at the top  
23 right. I should have a number on it.

24 MR. LYNCH: This one isn't numbered. This is  
25 a -- this is a photo -- photocopy of the proffer.

1 JUDGE SIPPEL: Well, I hope you're on the  
2 right page.

3 MR. LYNCH: That is. It's under WYLR PSAs,  
4 and it's #6, I believe.

5 BY MR. LYNCH:

6 Q There's been a lot of discussion as far as  
7 pushes and PSAs. Did WYLR, the times that you are  
8 aware of, run PSAs?

9 A Yes.

10 MS. FRANCO: Objection. That was not  
11 discussed on cross.

12 JUDGE SIPPEL: Well, he did get into -- I  
13 think he did say something about -- one of the first  
14 one or two questions, he started talking about pushes  
15 and PSAs. That's my recollection. I know it was not a  
16 focused inquiry, but --

17 MR. LYNCH: That was right in the beginning.  
18 I made a note.

19 JUDGE SIPPEL: I'll -- I'll permit it. I'll  
20 overrule the objection.

21 MR. LYNCH: Thank you, Your Honor.

22 BY MR. LYNCH:

23 Q During your tenure at WYLR, did WYLR run pre-  
24 recorded PSAs?

25 A Yes.

1           Q     It's -- did all these PSAs show up on the  
2     log?

3           A     The ones that were recorded that were put in  
4     with a run schedule for a start time and a kill date  
5     and a cart number, yes.

6           Q     Okay. What pre-recorded PSAs were not  
7     logged?

8           A     Things that were put in at the last minute.  
9     If somebody walked in off the street, and we had this  
10    happen a lot, we're having a bake sale today, can we do  
11    something, would you cut us something? We'd say, yeah.  
12    We'd bring them into the studio to the prod room, we'd  
13    have them cut them. They'd cut them, we'd cart them.  
14    It was immediate. If the event was the next day, we  
15    would walk into the studio and give it to the  
16    announcer, and lay it up on top and say, hit this once  
17    an hour.

18          Q     Can you give me any examples just off the top  
19    of your mind of specifics that -- that were not on the  
20    logs that were broadcast?

21                JUDGE SIPPEL: Well, that's a little bit  
22    beyond the scope. Now, he's -- he's answered -- he's  
23    responded to your question.

24                BY MR. LYNCH:

25          Q     Okay. The second leg on that question, are

1       you familiar with the function at WYLR called the push  
2       sheet?

3           A     Yes.

4           Q     Did the push sheet show up on the logs?

5           A     Let me see.

6           MS. FRANCO:  Objection.  That was not asked  
7       on cross.

8           JUDGE SIPPEL:  The word push came up.  
9       Looking at my notes, he said something about doing  
10      pushes on a daily --

11          MS. FRANCO:  Your Honor, it was never a  
12      question.  He -- it wasn't -- none of my questions were  
13      directing him to that.  He just offered that.

14          JUDGE SIPPEL:  He offered that?

15          MS. FRANCO:  Voluntarily.

16          JUDGE SIPPEL:  I understand.  I think  
17      you're -- you're probably technically right, Ms.  
18      Franco, but I'm going to let this come in for a little  
19      bit.

20                 What -- what --

21          MR. LYNCH:  Can I explain it?

22          JUDGE SIPPEL:  Ask him if he understands what  
23      push is?

24          THE WITNESS:  Okay, this is what push is.  We  
25      have push and we have PSAs.  Push is the ultimate, as

1 far as saturation, if something is a push, because  
2 that's what we're doing.

3 JUDGE SIPPEL: It could be anything. It  
4 could be a commercial, it could be --

5 THE WITNESS: It could be a promotion we're  
6 doing if we're giving away a frisbee.

7 JUDGE SIPPEL: You don't have to give that  
8 detail.

9 THE WITNESS: It could be -- it could be --  
10 it could be anything.

11 JUDGE SIPPEL: Fine.

12 THE WITNESS: Major public service events  
13 that we had going on were always maintained as push  
14 status. The push sheet was in front of the announcer.

15 JUDGE SIPPEL: That was a separate sheet and  
16 it was called push?

17 THE WITNESS: It was a push sheet, which was  
18 totally separate from Tri-County Notebook PSAs, which  
19 were usually -- usually on a little rolodex.

20 JUDGE SIPPEL: Okay.

21 THE WITNESS: Okay?

22 JUDGE SIPPEL: I hear you.

23 THE WITNESS: And we go for the ultimate  
24 saturation of the event. If it was Easter Seals and we  
25 had an event coming up, a push would be your -- your

1 event, when it's going to be, how to be a part of it,  
2 what time, where to meet, all the information, phone  
3 numbers, call "The Register," call us if you need more  
4 info, and that's what a push was. The push was -- was  
5 the laundry list.

6 JUDGE SIPPEL: All right, I -- I don't need  
7 anymore detail than that.

8 Now, what is your question?

9 MR. LYNCH: I'm trying to establish, excuse  
10 me, our -- our point from the beginning that there was  
11 a lot of stuff that we did that would not show up on  
12 the logs or did not necessarily come in -- in the  
13 quarterly file.

14 Mr. Jacobson has firsthand knowledge in a  
15 number of different ways, both on this and on public  
16 affairs programming and on live remotes. I'm trying to  
17 get the facts of the matter on the record of this.

18 MS. FRANCO: Your Honor, that's trying to  
19 supplement.

20 JUDGE SIPPEL: Yeah. We're not going to go  
21 down -- we're not going to use this as an opportunity  
22 to amplify what's in his affidavit.

23 MR. LYNCH: Okay. I -- it's --

24 JUDGE SIPPEL: If there was something that he  
25 testified on cross examination that you feel needs a

1 clarification that might not truly represent something,  
2 or it might be misleading or inaccurate or needs  
3 supplementation, that's fine. Now, I'm being very  
4 liberal with you.

5 MR. LYNCH: Let me move on then. I think  
6 I've already established what I wanted to on pushes.

7 BY MR. LYNCH:

8 Q Mr. Jacobson, over -- before you came onto  
9 WYLR and from that point on, you've done a number of  
10 live remotes for various community endeavors, for Blood  
11 Mobiles, to bicycle rides, to Walk-a-thons. Is that  
12 correct?

13 A I --

14 MS. FRANCO: Objection. That was not -- I  
15 never asked any questions about remote on cross.

16 MR. LYNCH: There was -- there was --

17 JUDGE SIPPEL: I had some questions about  
18 remote.

19 MR. LYNCH: Please.

20 JUDGE SIPPEL: I -- I did. I have asked my  
21 questions about remote.

22 MR. LYNCH: Can I -- I -- I can cross on  
23 that, I believe.

24 JUDGE SIPPEL: Well, you can redirect up to a  
25 point, but ask your question --



1 BY MR. LYNCH:

2 Q Okay, the -- the question is, during these  
3 remotes, did you ever discuss public affairs with  
4 experts in the field?

5 A Can I give --

6 MS. FRANCO: Objection. That's a leading  
7 question.

8 JUDGE SIPPEL: That is. I'm going to -- I'm  
9 going to over -- I'm going to sustain that objection.

10 COURT REPORTER: Excuse me, Your Honor. Tape  
11 change.

12 JUDGE SIPPEL: Back on the record.

13 All right, the only thing I asked him to do  
14 is explain what the remote was and where -- you know,  
15 whether that took him outside of the station, and how  
16 that affected him, vis-a-vis, an opportunity to see  
17 what was going on inside the station and that type of  
18 thing.

19 You can't use that as an opportunity to get  
20 into some other area, which is what you're trying to  
21 do.

22 I'm -- I'm sustaining that objection.

23 BY MR. LYNCH:

24 Q Okay, Tri-County Notebook we brought up. At  
25 anytime, since you came on the FM to right now, have

1           you ever been in a situation where there was nothing  
2           there for the Tri-County Notebook?

3           A     Absolutely not.

4           Q     Is there more than enough or --

5           A     Sometimes it --

6           MS. FRANCO: That's leading, Your Honor.

7           JUDGE SIPPEL: Yeah, I'll -- I'll sustain  
8           that objection. More than enough is too --

9           BY MR. LYNCH:

10          Q     How many -- on a -- on an average, how many  
11          different items of community interests were available  
12          to read on the Tri-County Notebook?

13          A     Then --

14          MS. FRANCO: That's beyond the scope of what  
15          we discussed.

16          JUDGE SIPPEL: Well, I'll -- I'll let him  
17          give an estimate on that. You did get into Tri-County  
18          to a degree.

19          Go ahead.

20          THE WITNESS: Then being my time with YLR  
21          from the fall of '89 to the end of the renewal period,  
22          on average, I would have at least, and this is -- this  
23          is being conservative, one of 15 events to choose from.

24          BY MR. LYNCH:

25          Q     Okay. Thank you.

1                   As far as the logs that you looked at, there  
2                   was questions regarding one community event that went  
3                   from on the -- on the minute to 50 seconds past the  
4                   minute.

5                   Let me ask you a question, in your history  
6                   with YLR, have typos ever been made on the log?

7                   A     Yes.

8                   MS. FRANCO: That's a leading question.

9                   JUDGE SIPPEL: Well, I -- I -- it is leading,  
10                  but it really doesn't call for a conclusion, and it  
11                  can't be reached. I -- I --

12                  There's been typos on the log?

13                  THE WITNESS: Yes.

14                  JUDGE SIPPEL: We'll accept that.

15                  BY MR. LYNCH:

16                  Q     Would that, perhaps, explain why one in -- in  
17                  over -- you know, numerous logs might have 50 seconds  
18                  rather than 15, which is the --

19                  JUDGE SIPPEL: I'll sustain that objection.

20                  BY MR. LYNCH:

21                  Q     Looking at the logs that were given to you,  
22                  two of them, at least, can you tell me any difference  
23                  between the logs that you're looking at right there and  
24                  the logs that you are in charge of producing today or  
25                  over the last couple of weeks? Have there been any

1 changes implemented at the station?

2 MS. FRANCO: Objection. Your Honor, that's  
3 outside -- that's activities outside the renewal  
4 period, I mean what he's doing today.

5 MR. LYNCH: That goes -- goes to the heart of  
6 mitigating or exculpatory evidence, if we have made  
7 some inadvertent errors, we would have an  
8 opportunity --

9 JUDGE SIPPEL: Well, I -- I understand that  
10 but I -- that has not been -- that there certainly  
11 hasn't been gone into on cross examination, and he had  
12 an opportunity to explain, to -- to state whatever was  
13 going to be stated in his direct testimony in the  
14 affidavit. So, if it's not in the affidavit, you're  
15 not going to be able to bring it out now. That's  
16 just -- that's the way the Rules of Evidence are  
17 applied in the courtroom.

18 MR. LYNCH: I apologize.

19 JUDGE SIPPEL: Well, that's all right. You  
20 don't have to apologize. Just go on to the next  
21 question.

22 BY MR. LYNCH:

23 Q Did you have an opportunity, before you put  
24 your affidavit together, to look over the proffer of  
25 programming that's -- that's in front of you right now?

1           A     Yes.

2           Q     Could you refer to page -- I'm going to ask  
3     you questions on specific items in the proffer, and can  
4     you tell me what -- which of these you can attest to  
5     and how you can attest to them?

6           A     Yes.

7           MS. FRANCO: Your Honor, we -- we  
8     specifically chose not to get into every single program  
9     on the proffer.

10          MR. LYNCH: It's a follow up to precisely  
11     what the Mass Media Bureau started with -- with cross  
12     examination of -- of me.

13          JUDGE SIPPEL: Well, as I said, I was -- I've  
14     been -- I'm permitting this, up to a point, to go  
15     forward, and I am interested in some -- some --  
16     certainly some useful information that, perhaps, Mr.  
17     Tillotson and Ms. Franco would not particularly want to  
18     come out on the record.

19                 I'm going to let you -- they went down -- Ms.  
20     Franco did go into this proffer, and I think that opens  
21     the door, at least up to a point, to permit you to go  
22     into the proffer as well, but it's going to be limited.  
23     We're not going to go down every line item, and I want  
24     you to refer to Exhibit numbers, because even though  
25     you're talking about it being a proffer, the record

1       isn't going to be able -- I'm not going to be able to  
2       tell, from the record, six months from now, what it is  
3       you're referring to if you don't give me a number and a  
4       page.

5                   So, you're into Exhibit 6?

6                   MR. LYNCH: I'm into Exhibit 6.

7                   JUDGE SIPPEL: What page are you going to  
8       start on?

9                   MR. LYNCH: I'm starting on page 614.

10                  JUDGE SIPPEL: Now, you understand about  
11       leading questions. You can't lead -- you can't --  
12       that's imperative. Lawyers have difficulty with this,  
13       so, just think of terms of your question should not  
14       suggest an answer. Your questions should simply ask  
15       him to state what he understands the facts to be.

16                  BY MR. LYNCH:

17                  Q     Under the name of the program, WYLR Weather,  
18       did you review the weather, specifically with your  
19       knowledge of what went on the radio station between  
20       1989 an 1990, which is the point that we're really  
21       looking at?

22                  A     Yes.

23                  Q     Can you attest that, approximately, this --  
24       this is a fair reflection of the weather programming  
25       that YLR ran?

1           A     Yes, it's a minimal approximation. The  
2     actuality of it and the realism of it was -- was at  
3     least as much, but in some cases, quadrupled that  
4     during the winter when we had the -- the storm center,  
5     cancellations, expanded weather forecasts, and  
6     everything of that nature. It could be up to four  
7     minutes in one clip just doing nothing but weather.

8           Q     Okay. On WYLR Local News, did you read that  
9     before you signed your affidavit?

10          A     Yes, I did.

11          Q     Can you attest that the description and the  
12     approximate time devoted to local news is accurate?

13          A     Yes.

14                 JUDGE SIPPEL: Do you intend to do this  
15     for --

16                 MR. LYNCH: Only the first six, and they're  
17     about five, six, seven other ones that are of  
18     importance. I -- if --

19                 JUDGE SIPPEL: If he has testified, in a  
20     general way, his affidavit, that he concurs with  
21     everything that's in this, and ask him -- in fact, I  
22     mean that was also brought out in the combination of  
23     questions that came out on direct, and he's qualified,  
24     as he said, that he was only knowledgeable as to those  
25     things that he actually was -- that was occurring on

1 his shift.

2 MR. LYNCH: Okay. Perhaps, I could get one  
3 question, and that -- that would -- on at least the  
4 first half of this, and then the only part --

5 JUDGE SIPPEL: All right, go ahead -- go  
6 ahead, Mr. Lynch.

7 BY MR. LYNCH:

8 Q Basically, as far as WYLR Weather, WYLR Local  
9 News, ABC Newscasts, Sports, Tri-County Notebooks and  
10 WYLR PSAs, you've already testified that you are aware  
11 of the continuing non entertainment programming, daily  
12 scheduled programming of WYLR. Is that correct?

13 A Yes.

14 MS. FRANCO: That's a leading question.

15 JUDGE SIPPEL: He's just asking him if --

16 MR. LYNCH: Yeah, you have already --

17 JUDGE SIPPEL: Just questions. Yeah, I'll --  
18 I'll permit that.

19 Go ahead. Do you have another question?

20 BY MR. LYNCH:

21 Q Okay. You have reviewed all of the  
22 descriptions and the approximate times on this page.  
23 To the best of your knowledge, are they accurate or  
24 not?

25 A They're accurate; they're conservatively



1 accurate.

2 Q Okay. Just a few specifics on this.

3 Again, the Chemical Free Youth Carnival,  
4 Exhibit 6-15, the fourth one down. Did you, in fact,  
5 participate in this?

6 A I did. I remember that day very well. I was  
7 feeling ill. I had just gotten -- gotten over a case  
8 of bronchitis.

9 We had promoted this event throughout the  
10 month of April. We had four rotating public service  
11 announcements that deal with specific aspects of  
12 alcoholic abuse by teenagers on behalf of SADD people,  
13 and there was also a -- a light time from the Warren  
14 Washington County Council's on alcoholism and substance  
15 abuse with this.

16 We aired these PSAs in equal rotation, and  
17 they were on about once every other hour through the  
18 day of the event. The day of the event, I, myself,  
19 went up and was, as they put it, jailed. I was put in  
20 this big jail surrounding --

21 JUDGE SIPPEL: Well, you -- you don't have to  
22 go into that much detail. I mean --

23 MR. TILLOTSON: Your Honor, I'd like to move  
24 to strike the entire answer on the ground that what  
25 we're -- what Mr. Lynch is doing here -- is being

1           allowed to do.

2                       We asked specific questions to find out what  
3           his -- the basis of his knowledge to attest to  
4           something. We did not go into specific programs, and,  
5           now, what we're doing is, through a general question,  
6           did you participate in something, we have a pre --  
7           probably pre-rehearsed speech, which is -- basically  
8           amplifies the original record where we're now being  
9           told what the content of the PSAs were and so on, all  
10          of which should have been Mr. Lynch's direct case or  
11          Normandy's direct case, if they wanted to submit it.

12                      JUDGE SIPPEL: Well, Mr. Tillotson, in all  
13          fairness, you went into these logs. You elected to go  
14          into these logs, and I'll -- we -- I would bet you a  
15          chocolate sundae that if the flip side of this were  
16          going on in a case, then you'd be arguing that is what  
17          you'd get, that kind of --

18                      MR. TILLOTSON: Your Honor --

19                      JUDGE SIPPEL: To go back into this in much  
20          more detail.

21                      MR. TILLOTSON: Your Honor --

22                      JUDGE SIPPEL: I'm cutting him off. I -- I -  
23          - I'm -- I'm not going to let him go in and explain, in  
24          detail, all of the ramifications of each of these line  
25          items, but I certainly am going to let him go back into

1       some of these line items, because you opened the door  
2       when you let him go into the logs.

3               MR. TILLOTSON: Your -- Your Honor, I -- I --  
4       if I may say, there's not a log in the record that has  
5       this program on it.

6               We have not asked this witness anything of --  
7       this is Mr. Lynch's testimony. This is not the  
8       testimony that this witness is sponsoring. This  
9       witness is only here, and the only thing we've asked  
10      him about is the basis on which he personally attested,  
11      and you've heard what he said on that point.

12              Now, if there's a question that -- a proper  
13      question would be to expand or amplify or clarify his  
14      testimony where he said, "I only did it on my shift,"  
15      would to be to clarify was Chemical Free Youth on your  
16      shift, but to then allow him an opportunity to say, oh,  
17      and by the way, Chemical Free Youth was this event, and  
18      we had on public service announcements and talked about  
19      A, B, C, D and E.

20              That was Mr. Lynch's burden in his  
21      programming exhibit, not -- it certainly was not opened  
22      by cross examination.

23              JUDGE SIPPEL: Well, I have instructed -- I  
24      have stopped the witness in midstream on that, and I  
25      have instructed Mr. Lynch not to -- not to listen to

1           that kind of testimony.

2                   MR. TILLOTSON: And that's my objection, Your  
3 Honor.

4                   JUDGE SIPPEL: Well, you got some of it.

5                   Go ahead, Mr. Lynch.

6                   MR. LYNCH: Okay, I -- hopefully, the witness  
7 will be brief in his answers on the rest of these  
8 things, but, again --

9                   JUDGE SIPPEL: You know, just don't expand.  
10 You'll see what's written on the log. Don't go and  
11 expand beyond that, because that explains what the  
12 event is about. Really you're being asked a very  
13 narrow question, in terms of -- as Mr. Lynch will  
14 articulate.

15                   Go ahead.

16                   BY MR. LYNCH:

17               Q     Okay, on Exhibit 6-16, Angela Williams  
18 Benefit Fund Raiser?

19                   JUDGE SIPPEL: What -- what page is that on  
20 in the exhibit?

21                   MR. LYNCH: 6-16.

22                   JUDGE SIPPEL: I see it. Okay.

23                   BY MR. LYNCH:

24               Q     Okay, can you attest to the fact that we  
25 actually -- that we did or not, as stated, run a

1 benefit for Angela Williams?

2 A Yes.

3 Q How can you attest to that?

4 A I ran the PSAs. I did the remote, and it was  
5 five hours long.

6 Q Not two hours, as -- as put in the record?

7 A Not two hours, as listed.

8 Q Thank you. Scholar Appreciation Week, can  
9 you attest to the fact that we -- that WYLR, in fact,  
10 ran Scholar Appreciation Week, as stated in this  
11 proffer?

12 A Yes.

13 Q Why can you attest to that?

14 A Because the children, who came in as guest  
15 DJs, came in on my shift and did the show with me.

16 Q For WYLR Blood Mobile, say specifically in  
17 1990, which is in the past license term, can you attest  
18 to -- this is on page 6-17.

19 JUDGE SIPPEL: Excuse me. Exhibit 6, page  
20 17?

21 BY MR. LYNCH:

22 Q Page 17, down towards the bottom, WYLR Blood  
23 Mobile, can you attest to the fact that WYLR actually  
24 did sponsor, as the witness proffer, a -- the Blood  
25 Mobiles?

1           A     Yes.

2           Q     How can you attest to that?

3           A     I broadcasted it -- three of them, and gave  
4 blood on the air at three of them.

5           Q     Gave blood on the air, can you explain that?

6           A     I had Minnie Marty, a needle in the arm,  
7 doing the broadcast, laying on the gurney. You don't  
8 forget those sort of things.

9           Q     On the next page, 6-18 in the exhibit, Easter  
10 Seals, Volleyball and -- and Softball Marathons, can  
11 you attest to the fact that --

12                 JUDGE SIPPEL: Where are we, on page 18?

13                 MR. LYNCH: 6 -- 18 on the top.

14                 JUDGE SIPPEL: I see it.

15                 BY MR. LYNCH:

16           Q     On Easter Seals, Volleyball, Softball  
17 Marathons --

18                 MS. FRANCO: It's a leading question and  
19 cumulative.

20                 JUDGE SIPPEL: Well, I'll -- I'll -- I'll  
21 overrule the question. I'm going to permit his cross.

22                 THE WITNESS: I'm only going to testify to  
23 the fact that we did run these Easter Seal, Volleyball  
24 and Softball Marathons from fall, 1989, to the end of  
25 the renewal period, and from that time that I was

1           there, yes, we did do them.

2                       BY MR. LYNCH:

3           Q     Thank you. As far -- going down further on  
4           the same page, are you familiar -- you read the Fort  
5           Edwards Christmas Decorations?

6           A     Yes.

7           Q     Can you attest to the fact that WYLR actually  
8           supported Fort Edward to get new Christmas Decorations?

9           A     Yes, we did.

10          Q     How -- how can you testify to that?

11          A     I broadcast it at the event, was there when  
12          they plugged in the tree.

13          Q     Did you hear any of the PSAs that are -- that  
14          were purportedly run, or did -- did you, in fact,  
15          broadcast them?

16          A     I -- I heard them and I did them, while --  
17          while I was on the air.

18          Q     Going to page -- Exhibit 6-19, Drug Free  
19          Graduation Party, for example, you've read that. Can  
20          you testify as to whether or not WYLR actually did the  
21          programming that it said it did in this exhibit?

22          A     Yes.

23          Q     How can you testify to that?

24          A     It was -- conservative, I did 36 PSAs that  
25          week myself easily. That was a push, rather than a PSA

1           too. It had a high status, and I broadcast it from the  
2           party.

3           Q     You did the live remote?

4           A     Yes.

5           Q     When you say high status, what -- what --  
6           what do you define high status as?

7           A     First, because it was a one week deal, that  
8           would be once every -- about three to four hours, up to  
9           two days before the event, and two days before the  
10          event, once every hour, including the day of the event,  
11          once every hour, plus the remote.

12          Q     Do these PSAs show up on the log or --

13          A     That I don't remember. They were live, so, I  
14          would assume they did not show up on the log. If they  
15          were recorded, yes, but they were live.

16          Q     That's fine. Going to the next page, 6-20 --

17                JUDGE SIPPEL: Okay, don't -- don't testify  
18          to your assumptions. If you don't have a specific  
19          recollection, then indicate that you -- indicate that,  
20          but don't indicate what your -- you know, what -- what  
21          probably happened, unless you're asked that question  
22          specifically.

23                THE WITNESS: Yes, Your Honor.

24                BY MR. LYNCH:

25          Q     Okay, going to page 6-20, the proffer of the



1 Giant Garage Sale --

2 JUDGE SIPPEL: Which is Exhibit 6 on page 20.

3 BY MR. LYNCH:

4 Q Exhibit 6, page 20, you also read that?

5 A Yes.

6 Q Is -- is that -- is that a good description  
7 of what WYLR actually did?

8 A Yes.

9 Q How do you know that?

10 A Because I read the pushes and broadcasted  
11 from the Garage Sales.

12 Q Thank you. After that, on the same page,  
13 LARAC in the Park. You also read that description. Is  
14 that also accurate, to the best of your knowledge?

15 A That is, once again, accurate. We -- this is  
16 an event with a long tenure, but I can only attest to  
17 yes for those approximations for my time at the  
18 station, which would be 1989-1990, fall '89 through --  
19 through the renewal period.

20 Q I'm going to try to rush through the rest of  
21 these. Exhibit 6, page --

22 JUDGE SIPPEL: Well, let's go off the record  
23 for just a minute.

24 MR. LYNCH: Yes, Your Honor.

25 (Discussion off the record.)